REMARKS

Claims 1-5, 7-11, and 13-14 are pending in the application. In the Final Office Action of January 25, 2005, the Examiner rejected claims 1-5, 7-11, and 13-14 under 35 U.S.C. §103(a) as being unpatentable over *Olsen* in view of *Uchenick*. Applicant respectfully traverses the rejection and addresses the Examiner's disposition below.

Claims 5 and 11 have been canceled.

Independent claims 1, 7, 13 and 14, each as amended, each claim a first information stored inside a software. An encoded second or third information is transmitted/received for matching against the first information each time the user uses the software. The software is enabled when the information match.

This is clearly unlike *Olsen* in view of *Uchenick*. The Examiner argues that *Olsen* teaches "the step of configuring the software such that processing for controlling said software use is performed each time said software user uses said software (col. 8 lines 28-42)." (Office Action of 1/25/05, page 5). However, that passage from *Olsen* does not state what the Examiner says it does. Instead, that passage states that an administrator may assign a license to an individual, machine, group, container, or other selected users. (*Olsen* 8:29-31). The assignments are additive such that multiple parties can be given the same assignment. (*Olsen* 8:33-35). Further, assignments can be removed one at a time. (*Olsen* 8:35-37). Contrary to the Examiner's assertion, nowhere in that passage from *Olsen*, nor anywhere in *Olsen*, does *Olsen* even suggest that an encoded information is transmitted/received for matching against a first information each time a user uses a software. Instead, *Olsen* merely describes transmitting an application program and a license once to a user. (*Olsen* 10:12-26).

As acknowledged by the Examiner, *Uchenick* fails to disclose transmitting encoded information to a user, but instead provides a hardware key.

Thus, unlike claims 1, 7, 13, and 14, *Olsen* in view of *Uchenick* fails to disclose or suggest an encoded information that is transmitted/received for matching against a first information each time a user uses a software.

Claims 2-4 and 7-10 depend directly or indirectly from claims 1 or 7 and are therefore allowable for at least the same reasons that claims 1 and 7 are allowable.

Applicant respectfully submits the rejection has been overcome and requests that it be withdrawn.

CONCLUSION

In view of the foregoing, it is submitted that claims 1-4, 7-10, and 13-14 are patentable. It is therefore submitted that the application is in condition for allowance. Notice to that effect is respectfully requested.

Respectfully submitted,

Christopher P. Rauch (Reg. No. 45,034)

SONNENSCHEIN, NATH & ROSENTHAL LLP

P.O. Box #061080

Wacker Drive Station - Sears Tower

Chicago, IL 60606-1080

Telephone 312/876-2606

Customer #26263

Attorneys for Applicant(s)

<u>CERTIFICATE OF MAILING</u>
I hereby certify that this correspondence is being deposited as First Class Mail in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 25, 2005.

> (Reg. No. 45,034) Christopher P. Rauch